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GI 5182A-DIV

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Rodney M. Hewick et al.

Serial No. : 08/319,831

Examiner: K. Furman

Filed : October 6, 1994

Art Unit: 1814

For : BONE AND CARTILAGE  
INDUCTIVE PROTEINS

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Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**DECLARATION UNDER MPEP 608.01(p)  
AS TO DEPOSIT OF MICROORGANISM**

**Ellen Kapinos, DECLARES AND SAYS:**

1. That she is Senior Patent Attorney of Genetics Institute, Inc., the Owner of the above-identified patent application;
2. That a culture of a human BMP clone (AH8 12-1) microorganism strain has been deposited in the permanent culture collection of the American Type Culture Collection, 1203 Parklawn Drive, Rockville, Maryland, and the culture deposit meets the requirements of the Budapest Treaty for the purposes of patent procedure;
3. That said culture has been accorded the accession number of ATCC No. 75010 on May 15, 1991;
4. That said culture has been deposited under conditions which ensure that access to the culture will be available during the pendency of the above-identified patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122;
5. That upon issuance of a patent on the above-identified patent application, Genetics Institute, Inc. will irrevocably remove any restrictions as to public availability of the culture deposit, and will replace the same culture deposit should it become non-viable, during the period that extends thirty years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest; and

6. That she declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Respectfully submitted,

  
Ellen J. Kapinos  
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Attorney of Record

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